

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

JUN 12 2006

Case No. 5548
Date Filed 6/5/06
Hearing _____ Date _____
Receipt \$700.00

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction
☒ Modification of Special Exception

Nature of Request and Section(s) of Code

CASE 5548 MAP 60 TYPE Special Exception

ELECTION DISTRICT 01 LOCATION 267.04 Acres Mountain Road,

BY Mountain Branch Property Limited Partnership, 75 2nd Ave., Needham, MA 02494

Appealed because a modification of a special exception granted by Board of Appeals

Case #4762 and Case #4912 to subdivide a parcel of land three acres in size as a separate residential building lot in the AG District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Mountain Branch Property Limited Partnership Phone Number Call Attorney

Address 75 2nd Avenue Suite 200 Needham MA 02494-2848
Street Number Street City State Zip Code

Co-Applicant Richard A. Godfrey Phone Number Call Attorney

Address 2001 Stockton Road Joppa Maryland 21085
Street Number Street City State Zip Code

Contract Purchaser Richard A. Godfrey Phone Number Call Attorney

Address 2001 Stockton Road Joppa Maryland 21085
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner Phone Number 410-893-7500

Address 11 South Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property 267.04 Acres Mountain Road MT Branch Golf

P 101/99-100

Subdivision _____

Lot Number _____

Acreage/Lot Size 267.04

Election District 1

Zoning AG

Tax Map No. 60 Grid No. IF Parcel 46 Water/Sewer: Private X Public _____

List ALL structures on property and current use: Golf Course, Restaurant, Practice Facility, Golf School, Clubhouse;
Accessory structures

Estimated time required to present case: 15 minutes

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) miles of any incorporated town limits? Yes _____ No X

Request

See attached

Justification

See attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

1 : 3/3/06

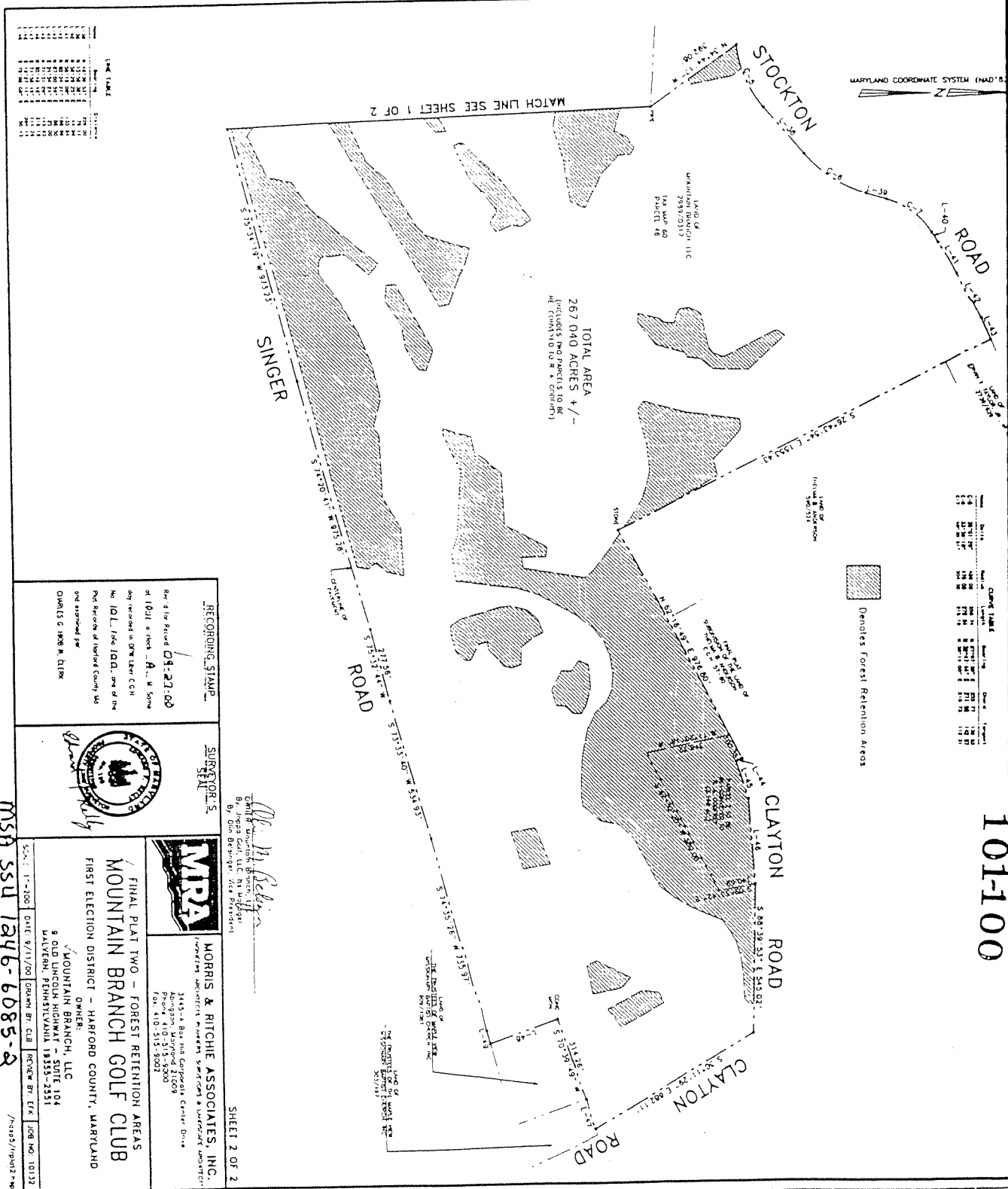
2 : 22491

hf2

**ATTACHMENT TO APPLICATION OF MOUNTAIN BRANCH PROPERTY
LIMITED PARTNERSHIP**

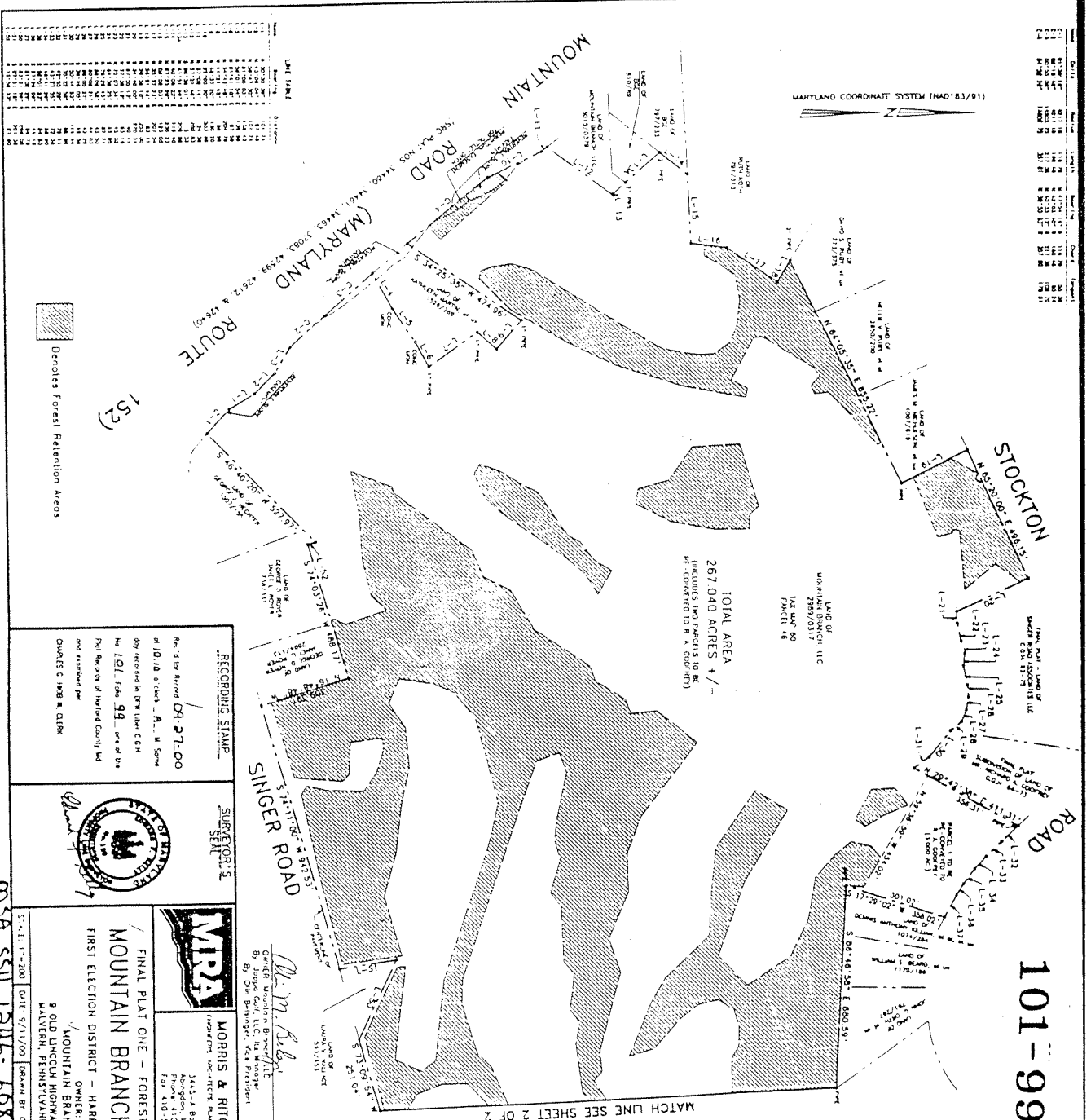
REQUEST: Modification of the site plan of the golf course approved as a special exception by the Board of Appeals in Case No. 4762 and modified in Case No. 4912 to subdivide a parcel of land three (3) acres in size, more or less, as a separate residential building lot zoned AG, Agricultural, as shown on the attached site plan pursuant to Section 267-52(B) of the Harford County Zoning Code.

JUSTIFICATION: The subject parcel was included in the site plan for the approved golf course. However, no activities related to the golf course are conducted on the subject parcel. It was always intended that at some point in the future, the subject parcel would be reconveyed to the Godfrey family. The Applicant wishes to do so now. Modifying the site plan of the golf course as proposed to create a residential building lot will cause no adverse impact to adjoining property owners.



101-99

Scale 1" = 200'



MSA SSU 1346-6685-7

10/25/11 10:12

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

July 10, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5548

APPLICANT/OWNER: Mountain Branch Property Limited Partnership
75 2nd Avenue Suite 200 Needham MA 02494-2848

Co-APPLICANT: Richard A. Godfrey
2001 Stockton Road, Joppa, Maryland 21085

CONTRACT PURCHASER: Richard A. Godfrey
2001 Stockton Road, Joppa, Maryland 21085

REPRESENTATIVE: John J. Gessner
11 South Main Street, Bel Air, Maryland 21014

LOCATION: 267.04 acres Mountain Road-Mt Branch Golf Course.
Tax Map: 60 / Grid: 1F / Parcel: 46
Election District: First (1)

ACREAGE: 267.04 acres

ZONING: AG/Agricultural

DATE FILED: June 5, 2006

HEARING DATE: August 14, 2006

APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

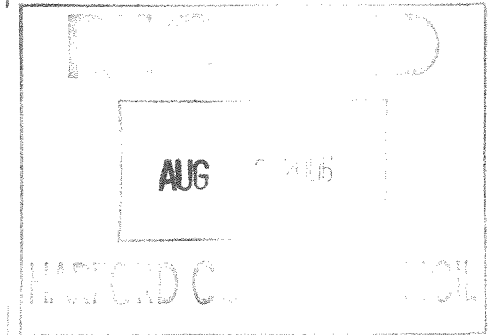
CODE REQUIREMENTS:

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.



STAFF REPORT

Board of Appeals Case Number 5548

Mountain Branch Property Limited Partnership

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The Applicants are requesting a modification of a special exception granted by the Board of Appeals in Case #4762 and Case #4912 to subdivide a parcel of land three acres in size as a separate building lot in the AG/Agricultural District.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property has frontage on the east side of Mountain Road (MD Route 152), south side of Stockton Road, north side of Singer Road and west side of Clayton Road. A location map and a copy of the Applicants site plan are enclosed with the report (Attachments 2 and 3).

The property is located outside of the Development Envelope. The predominant land use designation in the area is Agricultural. The Natural Features Map reflects Sensitive Species Project Review Areas, Agricultural Preservation Districts and Easements, and stream systems. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

***Agricultural** – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry and residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. The predominant land use in the area is Agriculture which includes cropland, pastureland and large areas of dense woodland. There are no major residential subdivisions in the area. However, there are several small residential subdivisions and scattered dwellings in the area. Other land uses include churches, day care facilities, the golf course, and small commercial uses. The topography of the area ranges from rolling to steep especially near the stream valleys and their many tributaries. Enclosed with the report are copies of the topography map and the aerial photograph (Attachments 6 and 7).

The Mountain Branch Golf Course is located on a irregular shaped property that was originally made up of several parcels. The primary access to the golf course, the driving range and to the pro-shop/restaurant is from Mountain Road. The topography of the site ranges from rolling to steep. Site photographs along with an enlargement of the aerial photograph and a copy of the approved site plan are enclosed with the report (Attachments 8, 9 and 10)

STAFF REPORT

Board of Appeals Case Number 5548

Mountain Branch Property Limited Partnership

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The 3 acres are located on the south side of Stockton Road. The 3 acres are vacant. This area never contained any of the golf course facility. There is a gravel driveway that extends back into the rear portion of the lot.

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are a few areas of RR/Rural Residential. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the Zoning Map (Attachments 11)

SUMMARY:

The Applicants are requesting a modification of a special exception granted by the Board of Appeals in Case #4762 (Attachment 12) and Case #4912 (Attachment 13) to subdivide a parcel of land three acres in size as a separate building lot in the AG/Agricultural District.

It is apparent that the 3 acres were never intended to be utilized for the golf course facility. The Forest Retention plat that was recorded in September of 2000 (Attachment 3) shows the parcel labeled as Parcel 1 to be conveyed to R. A. Godfrey (3.00 ac). The Department finds that the modification as requested does not alter the intent of the existing approvals.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends approval of the applicants request subject to the following conditions.

- 1) The applicants shall submit a preliminary plan to the Department for review and approval.
- 2) The applicant shall submit a final plat to the Department for approval and recordation in the Harford County Land Records.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf